

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 16, 2004

Division: Growth Management

Bulk Item: Yes X No

Department: N/A

AGENDA ITEM WORDING: Approval of an Interlocal Agreement between Monroe County and the City of Key West to transfer 18 affordable ROGO allocations from Key West to the Maloney Avenue Affordable Housing Project in unincorporated Stock Island.

ITEM BACKGROUND: Mr. Ed Swift, who will be shortly submitting an application for conditional use approval of an 18-unit affordable housing project at 5942 Maloney Avenue, Stock Island, is requesting that the City of Key West and Monroe County enter into an interlocal agreement to transfer 18 ROGO allocations from the City to his approved affordable housing project. These 18 ROGO allocations are vested per a 2001 Settlement Agreement between the City of Key West, the Department of Community Affairs, and the Dionysus Group. Authorization for such intergovernmental ROGO transfers is provided in Section 9.5-266(h), Monroe County Code.

These allocations will be subject to the County's nutrient reduction credit requirements.

PREVIOUS RELEVANT BOCC ACTION: Previously approved interlocal agreements with the City of Marathon transferring 138 ROGO affordable housing allocations from the County to the City.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes No

COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, Division Director

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # K1

The Craig Company

Comprehensive Planning
Resort/Tourism Planning
Land Use Regulation
Development Feasibility
Site Design
Expert Witness

Mailing address: P. O. Box 970
Key West, FL 33041-0372

Office location: 600 White St.
Key West, FL 33040

Phone: 305/294-1515
Fax: 305/292-1525

E-mail: don@craigcompany.com

VIA HAND DELIVERY

Mr. Ty Symroski, Planning Director
City of Key West
604 Simonton Street
Key West, Florida 33040

MAY 14 2004

VIA FEDERAL EXPRESS

Mr. Timothy J. McGarry, Director of Growth Management
Monroe County
2798 Overseas Highway
Marathon, Florida 33050

Subject: Interlocal Agreement – Affordable Housing Project Stock Island

Dear Ty and Tim:

It is with pride that I submit this request to the City and County for the approval of an Interlocal Agreement in order to transfer 18 eighteen privately held Rate of Growth Ordinance (ROGO) exemptions from the City to the County for the purpose of building affordable housing on Stock Island. These ROGO exemptions are vested per a 2001 Settlement Agreement (Key West City Commission Resolution 01-150) between the City of Key West, the Department of Community Affairs, and the Dionysus Group. Since these ROGO exemptions are privately held, they will not reduce the affordable housing allocations currently in the City's pool.

At present, my client, Mr. Ed Swift, is proposing a development of 18 attached median and moderate income housing units on the south end of Maloney Avenue on Stock Island. Because the County cannot guarantee the issuance of affordable housing ROGO exemptions, this idea of an Interlocal Agreement was developed with City and County staffs. The staffs realize that any affordable housing developed on Stock Island will aid both communities in their plans to house the many workers in the area.

Please review the attached proposed Interlocal Agreement. Due to time constraints associated with the ROGO allocations, we respectfully request that this agreement be placed on the June 2004 City Commission and County Commission agendas for

consideration by the City Commission and Board of County Commissioners, respectively.

Very truly yours,



Donald L. Craig, AICP

DLC/jr

Enclosures: Proposed Interlocal Agreement

cc: Julio Avel, City Manager (via Hand Delivery)
Richard Collins, County Attorney (via Hand Delivery)
Marlene Conaway, County Planning Director (via Federal Express)
James Roberts, County Administrator (via Hand Delivery)
Edwin O. Swift, III (via Hand Delivery)
Robert Tischenkel, City Attorney (via Hand Delivery)

AFFORDABLE ROGO UNIT TRANSFER
INTERLOCAL AGREEMENT

This Agreement is made and entered into by MONROE COUNTY, a political subdivision of the State of Florida, whose address is 1100 Simonton Street, Key West, FL 33040, ("COUNTY"), and the City of Key West, a municipal corporation of the State of Florida, whose address is 525 Angela Street, Key West, Florida 33040 (the "CITY").

WHEREAS, the COUNTY, and the CITY of Key West, have a significant shortage of affordable housing; and

WHEREAS, a significant portion of Key West's workforce, which requires affordable housing, lives in areas of the County adjoining the City of Key West; and

WHEREAS, the City of Key West benefits from affordable housing whether located in the City or in areas near the County; and

WHEREAS, Stock Island is served by the City of Key West Department of Transportation bus service; and

WHEREAS, the COUNTY is currently processing a major conditional use application for an affordable housing development proposed on Stock Island KNOWN AS Maloney Avenue Affordable Housing Project and more particularly described in the proposed Site Plan attached as Exhibit "A" hereto; and

WHEREAS, the COUNTY does not have sufficient available affordable housing ROGO units to allocate to the proposed development upon approval; and

WHEREAS, Florida Statutes, Section 163.01(2) Florida Interlocal Cooperation Act of 1969, states "It is the purpose of this section to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities."; and

WHEREAS, The comprehensive plans of both the CITY and COUNTY expressly identify interlocal agreements as a means of resolving issues mutually affecting both jurisdictions; and

WHEREAS, CITY and COUNTY have determined that this agreement is in the best interests of the public; and

WHEREAS, the parties desire to enter into an interlocal agreement to allow the transfer of 18 affordable Rate of Growth (ROGO) units out of the City of Key West and into the County of Monroe for assignment to the property described in Exhibit "A".

1. **TRANSFER.** CITY and COUNTY agree to permit the transfer of 18 privately held affordable transferable exemptions from the City of Key West's building permit

allocation system to the COUNTY and to be assigned solely to the 18 unit affordable housing development on a parcel of land described by Exhibit "A", subject to approval of an affordable housing development project on that site.

2. **TERM.**

- A. Subject to and upon the terms and conditions set forth herein, this Agreement shall continue in force until August 1, 2005.
- B. Renewal of this Agreement after the expiration of the term described herein shall require the approval of both CITY and COUNTY.

3. **USE AND CONDITIONS.**

- A. Conditional use approval for the 18 unit affordable housing development shall be granted to the project by the COUNTY by August 1, 2005.
- B. The project shall be developed under the provisions of the Monroe County Code, including but not limited to applicable land development regulations and affordable housing criteria.
- C. The continued affordability of the development shall be pursuant to Monroe County Code in effect at the time of site plan approval as may be amended.

4. **TERMINATION.** If the COUNTY'S conditional use approval is not granted by August 1, 2005, and this Agreement is not extended, the 18 affordable housing unit allocations shall be returned to their owner in the City of Key West, to be used there for affordable housing only, provided building permits are obtained by August 1, 2006, unless extended by the City of Key West.

5. **SUBORDINATION.** This Agreement is subordinate to the laws and regulations of the United States, the State of Florida, and the COUNTY, whether in effect on commencement of this Agreement or adopted after that date.

6. **INCONSISTENCY.** If any item, condition or obligation of this Agreement is in conflict with other items in this Agreement, the inconsistencies shall be construed so as to give meaning to those terms which limit the County's responsibility and liability.

7. **GOVERNING LAWS/VENUE.** This Agreement is governed by the laws of the State of Florida and the United States. Venue for any dispute arising under this Agreement must be in Monroe County, Florida. In the event of any litigation, the prevailing party is entitled to a reasonable attorney's fee and costs.

8. **NOTICES.** Notices in this Agreement, unless otherwise specified, must be sent by certified mail to the following:

COUNTY:

County Administrator
1100 Simonton Street
Key West, FL 33040

CITY

City Manager
525 Angela Street
Key West, FL 33040

9. **FULL UNDERSTANDING.** This Agreement is the parties' final mutual understanding. It replaces any earlier agreements or understandings, whether written or oral. This Agreement cannot be modified or replaced except by another written and signed agreement.

10. **EFFECTIVE DATE.** This Agreement will take effect on _____
_____.

IN WITNESS WHEREOF, each party has caused this Agreement to be executed by its duly authorized representative.

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: _____
Deputy Clerk

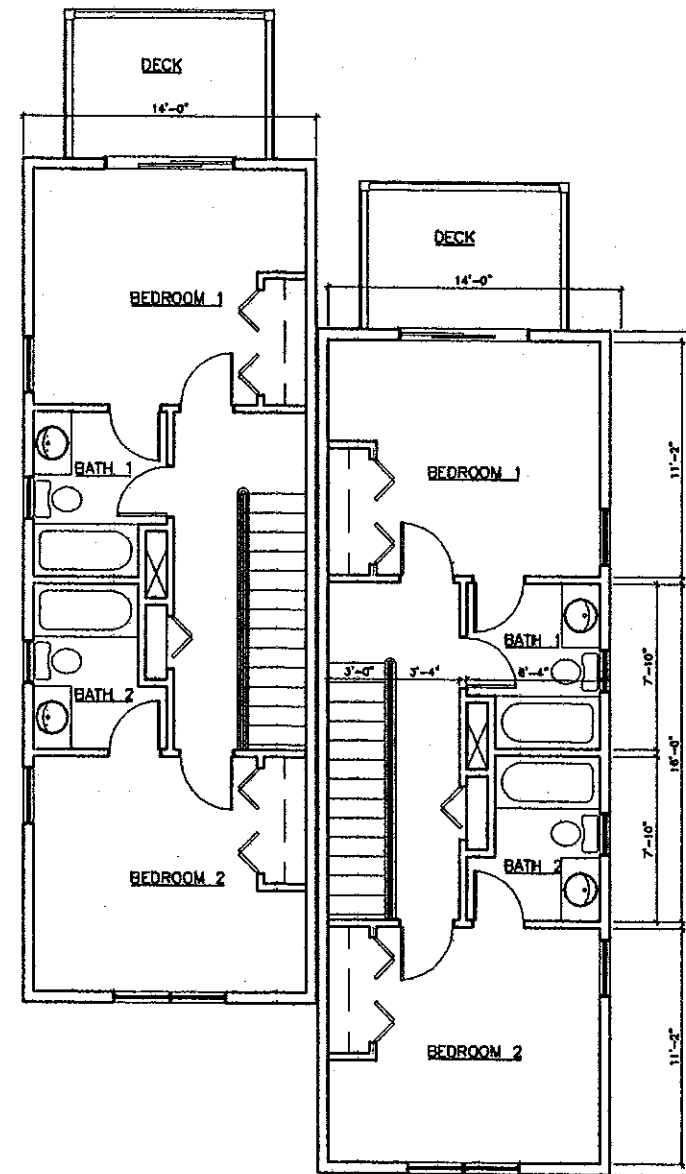
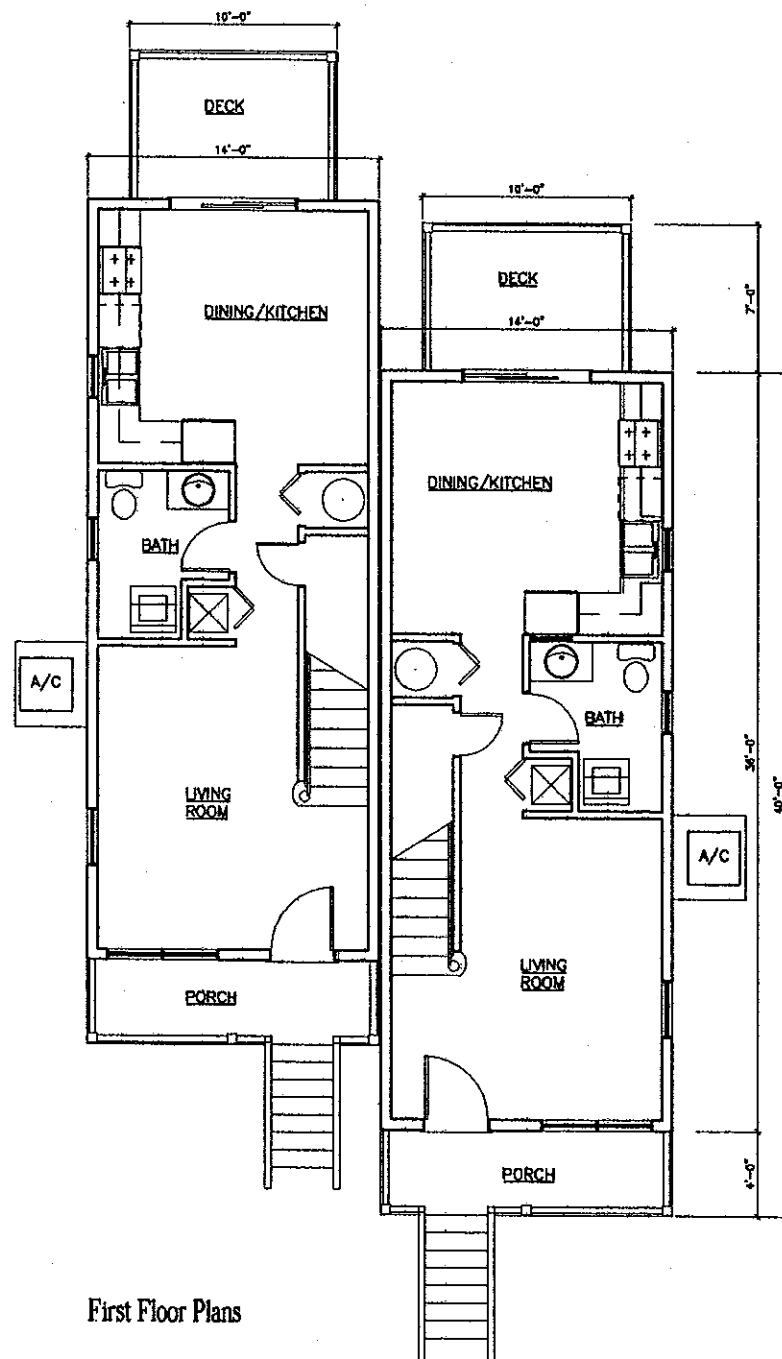
By: _____
Mayor/Chairman Murray Nelson

(SEAL)
ATTEST:

CITY OF KEY WEST

By: _____
Cheryl Smith, City Clerk

By: _____
Jimmy Weekley, Mayor



FLOOR PLANS

2 Bed 2 1/2 Bath

SCALE: 1/4" = 1'-0"

WILLIAM P. HORN
ARCHITECT, P.A.

915 EATON ST.
KEY WEST,
FLORIDA
33040

TEL. (305) 296-8302
FAX (305) 296-1033

LICENSE NO.
AA 000340

AFFORDABLE HOUSING
5942 MALONEY AVENUE
STOCK ISLAND, FL.

SEAL

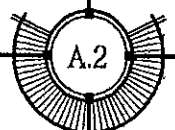
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08-21-03
04-30-04 PL. BD.

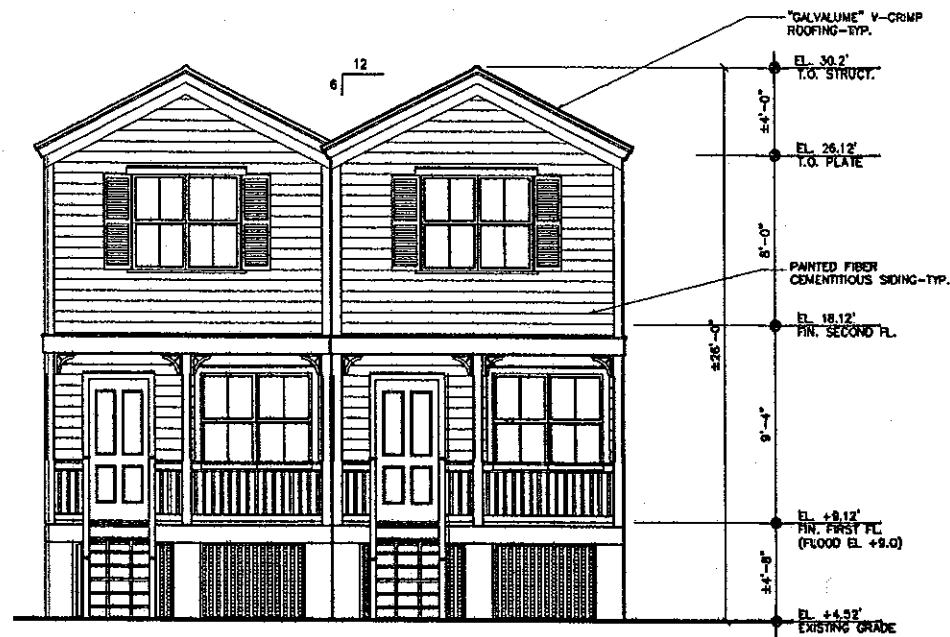
REVISIONS

DRAWN BY

PROJECT
NUMBER
0234

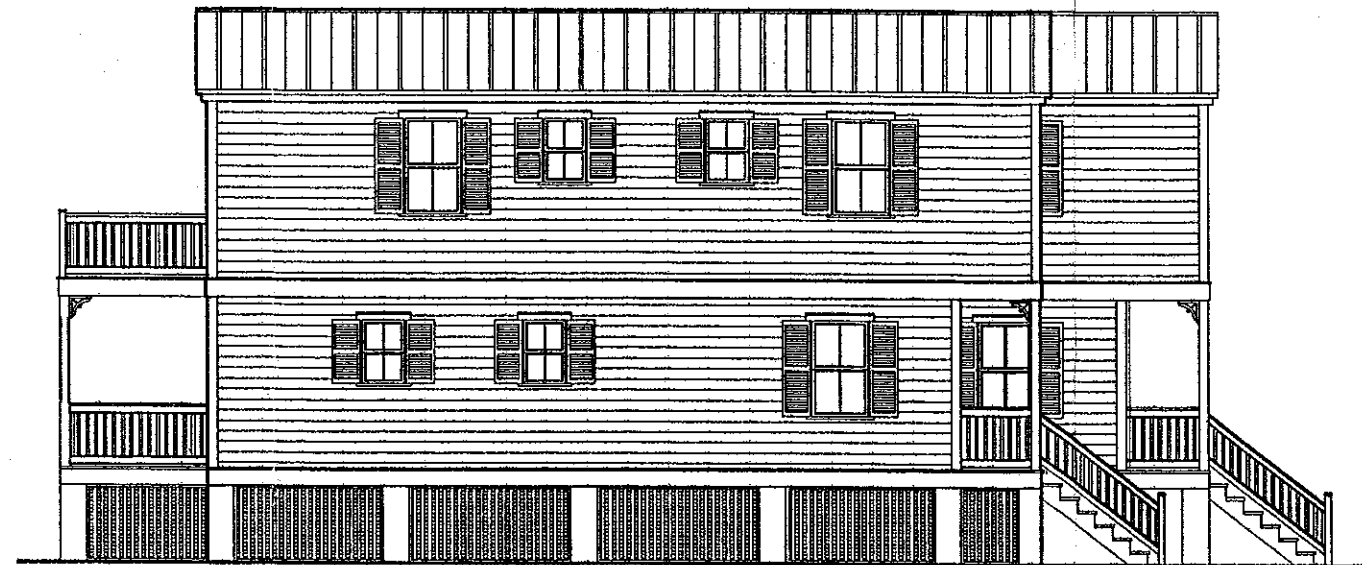
5948 MALONEY AVE. - AFFORDABLE HOUSING PROJECT
STOCK ISLAND, FLORIDA





FRONT ELEVATION

SCALE: 1/4" = 1'-0"



SIDE ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

WILLIAM P. HORN
ARCHITECT, P.A.

315 EATON ST.
KEY WEST,
FLORIDA
33040

TEL. 305 296-8302
FAX 305 296-1033

LICENSE NO.
AA 0003940

AFFORDABLE HOUSING
8942 MALONEY AVENUE
STOCK ISLAND, FL.

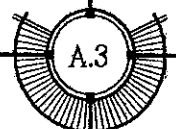
SEAL

DATE
08-21-03
04-30-04 PL. BD.

REVISIONS

DRAWN BY

PROJECT
NUMBER
0234



5948 MALONEY AVE. - AFFORDABLE HOUSING PROJECT
STOCK ISLAND, FLORIDA

MEMORANDUM

To: Julio Avel, City Manager
From: Ty Symroski, City Planner
Date: December 1, 2003
RE: Transfer of Privately Held Affordable ROGO credits to Stock Island

1 **1. ISSUE:**

2
3 **Project Description:**

4
5 Allow 16 affordable ROGO units vested with Dionysis Group, L.C. (Resolution 01-150) to
6 be transferred to Stock Island for development of 16 affordable dwelling units
7 consistent with the Monroe County's rules and regulations.
8

9 **Background:**

10
11 On June 21, 2001, the City of Key West and Dionysis Group, L.C. entered into a
12 settlement agreement that settled a dispute as to 60 ROGO units that had been vested
13 for Buttonwood Court but had never been developed.
14

15 The settlement agreement allowed Dionysis to retain 30 market rate units and 20
16 affordable units and that these units could be transferred to other sites and sold to
17 other developers. The agreement also contains a deadline provision that:
18

19 "All units must have a complete application for building permit submitted
20 or an approved development agreement or plan prior to August 1, 2004.
21 Any units that do not have a complete application for building permit
22 submitted or are not part of an approved development agreement or plan
23 prior to August 1, 2004, shall revert to the City Of Key West. If the units
24 are not built in a timely manner according to the City's regulations and
25 building codes and any applicable development agreement or plan, the
26 units shall revert to the City of Key West. This agreement may be
27 extended for an additional one year period for reasonable cause. Any
28 extensions or modifications must be approved by the City Commission.
29

30 The County has an existing program within its Rate of Growth Ordinance (ROGO) to
31 restrict units to affordable housing. The county's definition of affordable is very
32 consistent with the City's definition.
33

1 Stock Island also is contiguous with Key West, and it is very likely that the residents of
2 the affordable housing will actually work within Key West.

3
4 Finally, the applicant has provided a copy of Pre-application Conference Letter of
5 Understanding dated October 10, 2003, from K. Marlene Conaway as evidence that the
6 units will be used on property described as Stock Island Maloney BK 46, Lots 29, 1/2 lot
7 32, 33, 34, and 35.

8 9 **2. OPTIONS:**

10 11 **1. Approve the transfer as proposed. This would eliminate the** 12 **requirement to build the units by**

- 13 A. Fiscal Impacts: None.
- 14 B. Neighborhood Impacts: None. The ultimate development would be
15 controlled by the County Land Development Regulations
- 16 C. Transportation Impacts: Building affordable housing outside of Key West
17 could contribute to the commuters entering the city. However, Stock
18 Island is served by transit.
- 19 D. Environmental Impacts: None

20 21 **2. Deny the Transfer.** This would leave units within Key West, if the applicant 22 does not use them then ultimately, they would revert to the City Of Key West.

- 23 A. Fiscal Impacts: None
- 24 B. Neighborhood Impacts: None
- 25 C. Transportation Impacts: None
- 26 D. Environmental Impacts: None

27 28 **3. Approve the Transfer with Conditions.**

- 29 A. **The site plan approval for the 16 units shall be obtained by**
30 **August 1, 2005, but if such approval is reversed or denied the**
31 **units may be developed in the City provided a building permit is**
32 **obtained by August 1, 2006 unless extended by the City Of Key**
33 **West at it's discretion.**
- 34 B. **The development shall be developed under the provisions of the**
35 **Monroe County code including but not limited to development**
36 **standards and affordable housing.**
- 37 C. **Monroe County shall be responsible for monitoring the**
38 **affordability of such units.**
- 39 D. **Monroe County agrees to the transfer.**

- 40
- 41 1) Fiscal Impacts: None
- 42 2) Neighborhood Impacts: None
- 43 3) Transportation Impacts: None
- 44 4) Environmental Impacts: None

- 1
- 2 **Recommended action:**
- 3
- 4 Option . Allow the transfer.